

**Notice of Allowability**

Application No.

09/534,898

Examiner

Michael W. Hoye

Applicant(s)

ARSENAULT ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 1/5/05.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ The drawings filed on 24 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/15/04, 4/29/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other IDS PTO-1449 5/2/05.

## DETAILED ACTION

### *Response to Arguments*

Applicants' arguments, see pages 6-8 of the Remarks section of the Amendment, filed on January 5, 2005, with respect to claims 1-23, more specifically, independent claims 1, 11 and 16, have been fully considered and are persuasive. The rejection of claims 1-23 has been withdrawn.

### *Allowable Subject Matter*

Claims 1-23 are allowed.

The following is an examiner's statement of reasons for allowance:

As for independent claims 1, 11 and 16, the prior art, alone or in combination, does not teach or fairly suggest a method of transmitting, receiving, processing and storing, "cache program data... and a boot object having location information associated with the cache program data and requiring storage of the cache program data... [and] storing the cache program data based on location information stored in the boot object."

As for the most pertinent prior art of record, the Payton (USPN 5,790,935) reference discloses a method and system for delivering virtual on-demand programming to a television user. Payton discloses that the central distribution server 24 in Fig. 2 (col. 4, lines 55-64) transmits program data through the central transmitter 48 to the local receivers 52 (col. 5, lines 55-67), and recommended programs may be transmitted to and stored at the local server 28 or receiver (col. 6, lines 1-19). However, the Payton reference does not explicitly disclose the claimed limitations of, transmitting, receiving, processing and storing, "cache program data..."

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and a boot object having location information associated with the cache program data and requiring storage of the cache program data... [and] storing the cache program data based on location information stored in the boot object."

Another reference, Chaney et al (USPN 5,642,153), discloses the transmission of a set of data known as a Master Program Guide, which relates to television program titles, their start times and end times, a virtual channel number to be displayed to a user, and information allocating virtual channels to transponder frequencies. In addition to, Chaney et al teaches a system that is capable of transmitting hundreds of programs with a number of services, which may include video signals, audio signals, closed caption signals, or other data, including executable computer programs for an appropriate receiver, where each service of each program is identified by a unique Service Component Identifier (SCID), and the information for the respective services is transmitted in packets of predetermined amounts of data and each packet includes a SCID corresponding to the service (see col. 4, lines 9-19). However, the Chaney et al reference does not explicitly disclose the claimed limitations of, transmitting, receiving, processing and storing, "cache program data... and a boot object having location information associated with the cache program data and requiring storage of the cache program data... [and] storing the cache program data based on location information stored in the boot object."

In the Applicant's invention the features as described above are specifically disclosed in the limitations of claims 1, 11 and 16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (571) 272-7346.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

### **Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

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**Or faxed to: (703) 872-9306**

**Hand-delivered responses should be brought to:**

Knox Building  
501 Dulany Street  
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael W. Hoyer  
May 24, 2005

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**